



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Preston Bryant  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

### Public Notice – Environmental Regulation Issued January 23, 2006

**Notice of action:** The State Water Control Board is considering the amendment of a regulation on water quality. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

**Purpose of notice:** The board is seeking comments through the Department of Environmental Quality on 1) the proposal 2) the costs and benefits of the proposal 3) effects of the proposal on farm and forest land preservation and 4) impacts on small businesses and 5) the draft basis of the nutrient criteria for lakes and reservoirs and implementation guidance for monitoring, assessment and permitting (see <http://www.deq.state.va.us/wqs/rule.html#NUT2>)

**Public comment period:** January 23, 2006 to April 7, 2006

**Public hearing:** Department of Environmental Quality Piedmont Regional Office, training room, 4949-A Cox Road, Glen Allen, Virginia, on March 23, 2006 at 10:00a.m.

A question and answer period will be held one half hour prior to the beginning of the public hearing.

The board will hold a formal hearing at a time and place to be established, if a petition for such a hearing is received and granted. Affected persons may petition for a formal hearing concerning the legal validity of the proposed action. Petitions must meet the requirements of Title 9, Agency 25, Chapter 230 of the Virginia Administrative Code and must be received by the DEQ contact person by February 22, 2006.

**Public comment stage:** Notice of Public Comment - Proposed

**Description of proposed regulation:** Substantive changes are proposed to amend the state's Water Quality Standards regulation to add new numerical and narrative criteria to protect designated uses of man-made lakes and reservoirs as well as the two natural lakes in the state from the impacts of nutrients. The rulemaking also proposes clarifying that the existing dissolved oxygen criteria during times of thermal stratification should only apply to the upper layer (epilimnion) in man-made lakes and reservoirs where nutrient enrichment is controlled by applicable nutrient criteria in section 9 VAC 25-260-187 of the regulation.

**Federal information:** Statutory Authority: Clean Water Act (33 USC 1251 et seq.) 40 Code of Federal Regulations 13.1

**Locality particularly affected:** Counties of Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bath, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Charles City, Charlotte, Chesterfield, Culpeper, Dickenson, Fairfax, Frederick, Greenville, Halifax, Henry, Isle of Wight, James City, Lee, Loudoun, Louisa, Mecklenburg, Montgomery, Nelson, New Kent, Nottoway, Patrick,

Pittsylvania, Prince Edward, Prince William, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Spotsylvania, Smyth, Stafford, Sussex, Washington, Wythe, Wise, York; Cities of Newport News, Norfolk, Suffolk, Virginia Beach; Towns of Lawrenceville and Victoria.

**How to comment:** The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period. Both oral and written comments are accepted at the public meeting. DEQ prefers the submittal of written comments, including a copy of supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record.

**How a decision is made:** After comments have been considered, the board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

**To review regulation documents:** The proposal and an analysis conducted by DEQ (including a statement of purpose, a statement of estimated impacts and benefits of the proposed regulation, an estimate of the impact of the proposed regulation upon small businesses, identification of and comparison with federal requirements, and a discussion of alternative approaches), are available on the Town Hall web site at [www.townhall.virginia.gov](http://www.townhall.virginia.gov) and by contacting the DEQ representative named below. (The public may review the documents at the following location: DEQ Central Office, 629 East Main Street, Richmond, Virginia, Room 1128.)

**Contact for public comments, document requests and additional information:**

Jean Gregory; Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219  
Phone: (804) 698-4113 E-mail: [jwggregory@deq.virginia.gov](mailto:jwggregory@deq.virginia.gov) Fax: (804) 698-4522

The hearing will be held at a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facilities should contact Jean Gregory at the address or phone number above. Persons who wish to request interpreter services for the deaf must notify Ms. Gregory no later than February 23, 2006.